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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,986	03/15/2001	Michael Ilmer	99 P 5524	5171

7590 11/05/2002
Osram Sylvania Inc
100 Endicott Street
Danvers, MA 01923

EXAMINER

BERCK, KENNETH A

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,986

Applicant(s)

ILMER ET AL.

Examiner

Ken A Berck

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 11, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, 10-11, 15-17, 20-21, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ipson (US 4,945,281).

Regarding claim 1, Ipson discloses (fig 7 and 11) a dielectrically impeded discharge lamp with a discharge vessel with two partially parallel vessel walls, at least one spacer made from optically transparent insulating material, arranged inside the vessel in contact with the vessel walls, electrodes (21,22) at least one being separated from the interior of the discharge vessel by a dielectric, the spacer having an optically diffuse surface at least in the region of one bearing surface.

Regarding claim 4, Ipson discloses the spacer is formed by a column.

Regarding claim 6, Ipson discloses (fig 7) the spacer is formed by a body which has a thickened portion between the bearing surfaces.

Regarding claim 10, Ipson discloses at least a portion of the surface of the spacer has properties of a radiation trap.

Regarding claim 11, Ipson discloses the spacer being formed of glass which has the properties of being made of microstructures.

Regarding claim 15, Ipson discloses the insulating material of the spacer is glass.

Regarding claim 16, Ipson discloses the lamp is a flat lamp and the two vessel walls are a front plate and a baseplate parallel thereto.

Regarding claim 17, Ipson discloses (column 2, lines 5-29) a spacer made from optically transparent insulating material with a discharge vessel with two partially parallel walls, the spacer inside the discharge vessel between the two vessel walls in contact with the two vessel walls and has an optically diffuse surface.

Regarding claim 20, Ipson discloses at least a portion of the surface of the spacer has properties of a radiation trap.

Regarding claim 21, Ipson discloses the spacer being formed of glass which has the properties of being made of microstructures.

Regarding claim 23, Ipson discloses at least a portion of the surface of the spacer additionally has a fluorescent layer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 4, 7-9, 12-14, 18-19, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ipson (US 4,945,281).


Ipson discloses all of the above claim limitations and (column 4, lines 9-34) the spacers may be surface treated or adjustments to the detailed geometrical shape, but fails to clearly point out the diffuse surface being implemented by a thin frosted white colored layer and the cross section of the column being cruciform or star shaped. It would have been obvious to one of ordinary skill in the art at the time the invention was made to select an appropriate shape and surface treatment, since such a modification would have involved a mere change in shape of a component and selecting a known material on the basis of its suitability for the intended use.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken A Berck whose telephone number is (703)305-7984. The examiner can normally be reached on Mon-Fri 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703)305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

kab 
November 3, 2002


Vip Patel
Primary Examiner
Art Unit 2879